

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

American Airlines, Inc., a Delaware
corporation,

Plaintiff,

vs.

Travelport Limited, et al.

Defendants.

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Civil Action No.: 4:11-cv-244-Y

**PLAINTIFF AMERICAN AIRLINES, INC.'S RULE 12(B)(6)
MOTION TO DISMISS TRAVELPORT'S COUNTERCLAIMS**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Plaintiff American Airlines, Inc. respectfully moves this Court for an order dismissing Defendants Travelport Limited and Travelport, LP's (collectively "Travelport") Counterclaims [Doc. #172]. The grounds for this motion to dismiss are as follows:

1. Travelport has filed Counterclaims against American alleging violations of the Sherman Act, 15 U.S.C. § 2.

2. Dismissal of Travelport's antitrust claims is warranted because, *inter alia*, (1) Travelport lacks antitrust standing to bring the Counterclaims, and (2) the Counterclaims fail to state facts sufficient to establish exclusionary conduct by American.

3. Accordingly, American asks that Travelport's Counterclaims be dismissed with prejudice in their entirety.

4. This Motion is based upon the accompanying Memorandum in Support of American's Rule 12(b)(6) Motion to Dismiss Travelport's Counterclaims, which has been filed under seal.¹

DATED: February 21, 2012

Respectfully submitted,

s/ Yolanda C. Garcia

Yolanda C. Garcia

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¹ Pursuant to this Court's order of June 9, 2011 [Doc. #69], American certifies that after consultation with counsel of record, all parties are unopposed to American's Memorandum in Support of its Rule 12(b)(6) Motion to Dismiss Travelport's Counterclaims being filed under seal.

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of the foregoing document via the Court's CM/ECF system pursuant to the Court's Local Rule 5.1(d) this 21st day of February 2012.

s/ Robert S. Velevis

Robert S. Velevis